

REMARKS

Claims 1-6 and 8-15 are pending in the present application. The Office Action and cited references have been considered. Favorable consideration is respectfully requested.

The Examiner is thanked for the courtesies shown during the interview on July 17, 2007. This amendment, and the accompanying RCE, are submitted in accordance with the discussions during that interview. During the interview, Applicant presented proposed claim amendments. The Examiner agreed that these amendments would define over the prior art of record, but would raise new issues that would require a new search. Accordingly, Applicant is submitting herewith an RCE to obtain consideration of those proposed claims.

Claims 1-6 and 8-15 were rejected under 35 U.S.C. §103 as being unpatentable over Piasecki et al (U.S. Patent No. 5,117,453) in view of Jarvinen et al (U.S. Patent No. 6,170,073). This rejection is respectfully traversed for the following reasons.

The claimed invention as recited in claim 1 recites a digital telecommunication station operative in a telecommunication network, the network comprising at least two different transmission paths between the telecommunication station and at least one other element in the network, each path comprising a different link between the telecommunication station and the at least one other element in the network. The telecommunication station comprises at least one detector operative to receive at least two different types of signals, each associated with a different class of

quality of service and to distinguish, for each received signal in its entirety, the type of signal to which it belongs, at least one switch controlled by one of the at least one detector, operative to channel signals received in accordance with the distinction made by the at least one detector, a first transmission means operative to transmit received signals along a first one of the at least two different transmission paths. Responsive to the channeling by the at least one switch, signals of at least one other type selected from among the at least two different types of signals and associated with a service that requires a lower class of quality are diverted from the first transmission path. The telecommunication station further comprises a second transmission means operative to transmit the diverted signals along a second one of the at least two different transmission paths. Claim 13 has been amended in a similar manner. These features are not taught, disclosed or made obvious by the prior art of record.

The remarks submitted in the previous amendment are incorporated herein by reference. Additionally, Applicant respectfully submits that the amended claims are patentable over the prior art of record because the prior art does not teach or suggest the apparatus and method recited in claims 1 and 13.

In Piasecki, only one transmission path is taught linking the transmission station to the other elements in the network. In contrast, Applicant's claimed invention comprises two transmission paths, each path comprising a different link between the telecommunication station and the at least one other element in the network, and the types of signals are detected, and channeled, via the switch, through the different transmission paths dependent on the types of signal that is passing through the station.

In Jarvinen, the system looks at each bit and classifies the bits into classes dependent on the effect that the particular bit has on the quality of the signal. In contrast, Applicant's claimed invention looks at the entirety of the signal to determine the type of signal passing through the station and channels the signals to different transmission paths dependent on the signal type.

Thus, even if, for the sake of argument only, one of ordinary skill in the art would have been motivated to modify Piasecki with Jarvinen, the present claimed invention would not have been the result.

For at least these reasons, Applicant respectfully submits that claims 1 and 13 are patentable over the prior art of record.

Claims 2-6, 8-12 and 14-15 depend from and include the recitations of claims 1 and 13, respectively. Applicant respectfully submits that these claims are patentable in and of themselves and as they depend from and include the recitations of claims 1 and 13, respectively, for the reasons discussed above.

In view of the above amendments and remarks, Applicant respectfully request reconsideration and withdrawal of the outstanding rejections of record. Applicant respectfully submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

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Respectfully submitted,

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